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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,660	11/26/2003	Rick James Morse	D0932-00428 [VS-8855]	8809
8933	7590	12/12/2005	EXAMINER	
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,660	MORSE, RICK JAMES	
	Examiner	Art Unit	
	Yvonne M. Horton	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 17-19, 21-24 and 27 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>all</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,5,7,10,16,17,26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The metes and bounds of the claims cannot be determined. It cannot be determined how “flush” the “substantially flush” member must be in order to fall within the metes and bounds of the claims, or how much the member “matches” the “substantial angle”, etc.

Clarification and correction are required in response to this Action.

Claim Objections

Claim 4 is objected to because of the following informalities: In claim 4, there needs to be a period --. at the end of the sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

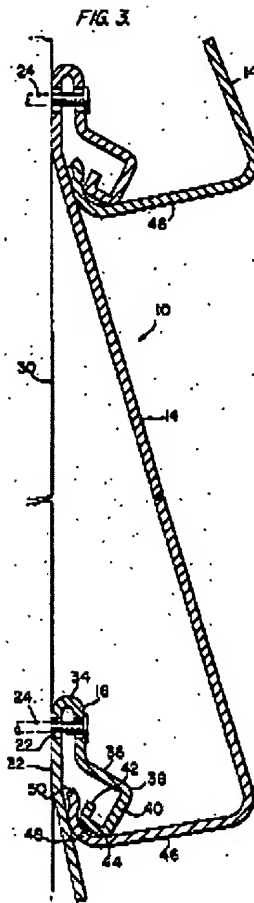
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,6 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,334,396 to HAGOPIAN. Regarding claims 1 and 27, HAGOPIAN discloses the use of a siding panel (10) having a front (14) and rear face (R), wherein the rear face (R) has a first area (FA) at top end that is flush with the vertical wall (30), and an angled portion (AP) that overlaps at least a portion (P) of a second siding panel (10) see below. In reference to claim 4, the first area (FA) is reinforced via portions (16, 32, 36, 40). Regarding claim 6, the reinforced area (16, 32, 36, 40) includes a planar face (32) that is flush with the vertical wall (30). With further reference to claim 27, the angled portion (AP) is obliquely angled.

Claims 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,334,396 to HAGOPIAN. The structure of HAGOPIAN inherently discloses the method of installing the siding panel, as detailed above, including the steps of providing the panel and attaching a first panel and a second panel to a structure (30) such that a rear face (R) of the siding (10) overlaps a front face (14) thereof, see figure 3. Regarding claim 18, the first area (FA) is reinforced via portions (16, 32, 36, 40). In reference to claim 19, the attaching step involves driving a blind nail (24), positioned as at the bottom of figure 3, through the reinforced area (RA) and the vertical wall (30). Regarding claim 21, the attaching step also includes driving a nail (24), as at the top of figure 3, through the first area (FA).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 3635

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2,3,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,334,396 to HAGOPIAN in view of US Patent #6,065,260 to DICKEY et al. HAGOPIAN discloses the basic claimed invention except for detailing that the siding panel is a wood clapboard. DICKEY et al. teaches that it is known in the art to form a siding member (10) out of wood clapboard, column 3, lines 24-25 and 27-28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the siding member of HAGOPIAN out of the wood clapboard material, as taught by DICKEY et al., in order to create a siding member that is durable, and is aesthetically pleasing in that it resembles the appearance of a natural wood product.

Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,334,396 to HAGOPIAN. HAGOPIAN discloses the basic claimed invention except for detailing the specifics of the degree that the angled member is positioned. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select an angle suitable for the use intended as an obvious matter of design choice. Thus, perhaps a large angle would be used if there exists a need to expel water from the surface of the siding member.

Allowable Subject Matter

Claims 5,8 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

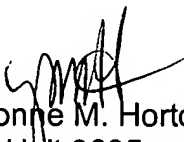
Claims 9-16 and 25-26 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Art Unit 3635
06/26/05